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## EUROPEAN SEARCH REPORT

Application Number  
EP 10 18 1360

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
X	WO 00/55180 A2 (HUMAN GENOME SCIENCES INC [US]; ROSEN CRAIG A [US]; RUBEN STEVEN M [US]) 21 September 2000 (2000-09-21) * claims 1,18 * * sequence 251 * * page 239, paragraph 4 * * page 259, paragraph 4 *	1-10	INV. C12Q1/68 C12N15/11 C07H21/04 C07K14/435 C07K14/47
X	TANAKA MASAKI ET AL: "Human calgizzarin: One colorectal cancer-related gene selected by a large scale random cDNA sequencing and Northern blot analysis", CANCER LETTERS, vol. 89, no. 2, 1995, pages 195-200, XP002631864, ISSN: 0304-3835 * figure 1 * * page 199, column 2, paragraph 3 *	1-10	
			TECHNICAL FIELDS SEARCHED (IPC)
			C12Q
The present search report has been drawn up for all claims			
Place of search <b>Munich</b>		Date of completion of the search <b>7 April 2011</b>	Examiner <b>Schwachtgen, J</b>
CATEGORY OF CITED DOCUMENTS		T theory or principle underlying the invention E earlier patent document but published on or after the filing date D document cited in the application L document cited for other reasons & member of the same patent family corresponding document	
X particularly relevant if taken alone Y particularly relevant if combined with another document of the same category A technological background O non-written disclosure P intermediate document			

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EPO FORM 1503 03 82 (P04C01)

# ANNEX TO THE EUROPEAN SEARCH REPORT ON EUROPEAN PATENT APPLICATION NO.

EP 10 18 1360

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on  
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07-04-2011

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 0055180	A2	21-09-2000	AU 3395900 A	04-10-2000
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			JP 2003514510 T	22-04-2003
			JP 2004508001 T	18-03-2004
			JP 2003514511 T	22-04-2003
			WO 0055173 A1	21-09-2000
			WO 0055350 A1	21-09-2000
			WO 0055351 A1	21-09-2000
			WO 0055174 A1	21-09-2000
			WO 0055320 A1	21-09-2000
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The examination is being carried out on the **following application documents**

**Description, Pages**

1-85 as originally filed

**Sequence listings, SEQ ID NO**

1-338 as originally filed

**Claims, Numbers**

1-10 as originally filed

**Drawings, Sheets**

1/4-4/4 as originally filed

- 1 Reference is made to the following documents; the numbering will be adhered to in the rest of the procedure.
  - D1 WO 00/55180 A2 (HUMAN GENOME SCIENCES INC [US]; ROSEN CRAIG A [US]; RUBEN STEVEN M [US] 21 September 2000 (2000-09-21)
  - D2 TANAKA MASAKI ET AL: "Human calgizzarin: One colorectal cancer-related gene selected by a large scale random cDNA sequencing and Northern blot analysis", CANCER LETTERS, vol. 89, no. 2, 1995, pages 195-200, ISSN: 0304-3835
- 2 The present application does not meet the requirements of Article 52(1) EPC because the subject-matter of claims 1-10 is not new within the meaning of Article 54(1) and (2) EPC.
- 2.1 D1 discloses a method for determining the onset or predisposition of cancer of the colon by measuring an isolated nucleic acid molecules having the nucleotide sequence substantially as set forth in SEQ ID NO: 302 of the

present application (claims 1,18; sequence 251; page 239, paragraph 4; page 259, paragraph 4). The disclosure of D1, thus, anticipates all the technical features of the subject-matter of present claims 1-10.

- 2.2 D2 discloses a method for determining the onset or predisposition of cancer of the colon by measuring an isolated nucleic acid molecules having the nucleotide sequence substantially as set forth in SEQ ID NO: 302 of the present application (figure 1; page 199, column 2, paragraph 3). The disclosure of D2, thus, anticipates all the technical features of the subject-matter of present claims 1, 3-10.
- 3 The terms and expressions "substantially", "functional derivative", "variant", "derivative" and "analogue" used in claims 1, 2 and/or 10 are vague and unclear. Their use leaves the skilled person in doubt as to the meaning of the technical feature to which they refer, thereby rendering the definition of the subject-matter of said claim unclear (Article 84 EPC).
- 4 The application does not provide technical support (Article 84 EPC) and does not sufficiently disclose (Article 83 EPC) a method for detecting colorectal adenoma, let alone all kinds of neoplasm using SEQ ID NO: 302, as claimed in present claims 1-7 and 10.